

## **REMARKS**

In response to the Office Action dated December 8, 2009, the Assignee respectfully requests reconsideration based on the above amendments and on the following remarks.

Claims 1, 5-14, 36, and 39-46 are currently pending in this application.

### **Rejection of Claims under § 103 (a)**

The Office rejected claims 1, 5-6, 36, 40-41, and 44-46 under 35 U.S.C. § 103 (a) as being unpatentable over U.S. Patent 6,005,861 to Humpleman in view of U.S. Patent 6,493,875 to Eames, *et al.* and further in view of U.S. Patent 6,732,366 to Russo.

These claims, though, are not obvious over *Humpleman*, *Eames*, and *Russo*. These claims recite, or incorporate, many features that are not disclosed or suggested by *Humpleman*, *Eames*, and *Russo*. Independent claim 1, for example, recites “a video overlay processor connected between the system data bus and the media bus, the video overlay processor superimposing a first audio-visual signal over a second audio-visual signal to produce a superimposed signal and sending the superimposed signal to the system data bus.” Independent claim 1 also recites “a network bus connected to the system data bus and receiving the superimposed signal and information signals” and “a data switch connected to the network bus, the data switch receiving the superimposed signal and the information signals and sending the superimposed signal and the information signals to a plurality of switch ports.” Support for these features may be found at least in the as-filed application at page 19, lines 13-16, at page 23, lines 1-5, and illustrated in FIG. 6.

These features are not obvious over *Humpleman*, *Eames*, and *Russo*. *Humpleman* describes network interface units. *See* U.S. Patent 6,005,861 to Humpleman at column 3, lines 20-35. Digital signals from each network interface unit are distributed over an Ethernet network. *See id.* at column 3, lines 49-52. Each network interface unit connects to a scalable switch hub

and thus to terminal units. *See id.* at column 3, lines 52-55. A gateway connects to the Ethernet network and to a “local peripheral network” to accommodate “very high bit rate” video devices, audio devices, printers, and other “high bandwidth” peripherals. *Id.* at column 4, lines 16-32 (emphasis added). Each device’s “Ethernet port” is connected by twisted-pair cabling to the switch hub. *See id.* at column 4, lines 38-56.

*Eames* describes a wireless gateway for use in a residence. *See* U.S. Patent 6,493,875 to Eames, *et al.* at column 1, lines 39-45. *Eames’s* FIG. 3 illustrates a circuit architecture for the wireless gateway. *See id.* at column 2, lines 37-39. The gateway has a “network interface module” that connects to the access network. *See id.* at column 4, lines 58-60. The network interface module interfaces with a motherboard that contains a processor, memory, MPEG processor, and an Ethernet block. *See id.* at column 5, lines 1-7. “A set of buses” routes information “within [the] gateway.” *See id.* at column 5, lines 25-29. “[O]ptional modules” all connect to a “control bus in addition to being connected to at least one other bus.” *See id.* at column 5, lines 29-35.

*Russo* describes a storage device that stores video. When a program is retrieved and viewed, a subscriber is billed. *See* U.S. Patent 6,732,366 to Russo at column 3, lines 17-20 and at column 5, lines 12-25. Payment is only due when a majority of the program is watched. *See id.* at column 5, lines 35-40.

Still, though, the independent claims are not obvious over *Humpleman*, *Eames*, and *Russo*. The proposed combination of *Humpleman*, *Eames*, and *Russo* still fails to teach or suggest all the features of the independent claims, such as the “video overlay processor” that “superimpos[es] a first audio-visual signal over a second audio-visual signal to produce a superimposed signal” and that sends “the superimposed signal to the system data bus.” One of ordinary skill in the art, then, would not think that the independent claims are obvious.

Claims 1, 5-6, 36, 40-41, and 44-46, then, are not obvious over *Humpleman*, *Eames*, and *Russo*. The independent claims recite many distinguishing features, and the dependent claims

incorporate these distinguishing features. One of ordinary skill in the art, then, would not think that claims 1, 5-6, 36, 40-41, and 44-46 are obvious. The Office is respectfully requested to remove the § 103 (a) rejection of these claims.

**Rejection of Claim 39 under § 103 (a)**

Claim 39 was rejected under 35 U.S.C. § 103 (a) as being obvious over *Humpleman*, *Eames*, and *Russo* and further in view of U.S. Patent 4,809,069 to Meyer. Claim 39, though, depends from independent claim 36. *Humpleman*, *Eames*, and *Russo* fails to teach or suggest all the features of independent claim 36, and *Meyer* does not cure the deficiencies. *Meyer* discloses a picture-in-picture processor. Even so, *Humpleman* with *Eames*, *Russo*, and *Meyer* still fails to fails to teach or suggest all the features of independent claim 36. One of ordinary skill in the art, then, would not think that claim 39 is obvious. The Office is respectfully requested to remove the § 103 (a) rejection of this claim.

**Rejection of Claims 7 & 42 under § 103 (a)**

The Office also rejected claims 7 and 42 under 35 U.S.C. § 103 (a) as being obvious over *Humpleman*, *Eames*, and *Russo* and further in view of U.S. Patent 5,768,527 to Zhu, *et al.* Claims 7 and 42, however, depend, respectively, from independent claims 1 and 36. *Humpleman*, *Eames*, and *Russo* fails to teach or suggest all the features of independent claims 1 and 36, and *Zhu* does not cure the deficiencies. *Zhu* discloses a “rate scaler” that reduces bit rates of input streams. Still, though, *Humpleman* with *Eames*, *Russo*, and *Zhu* still fails to fails to teach or suggest all the features of independent claims 1 and 36. One of ordinary skill in the art, then, would not think that claims 7 and 42 are obvious. The Office is respectfully requested to remove the § 103 (a) rejection of these claims.

**Rejection of Claims 8-14 & 43 under § 103 (a)**

Claims 8-14 and 43 were also rejected under 35 U.S.C. § 103 (a) as being obvious over *Humpleman*, *Eames*, and *Russo* and further in view of U.S. Patent 6,104,861 to Tsukagoshi and further in view of U.S. Patent 5,473,772 to Halliwell, *et al.*

Claims 8-14 and 43, though, depend from either independent claim 1 or 36. The paragraphs above explained that *Humpleman*, *Eames*, and *Russo* fails to teach or suggest all the features of independent claims 1 and 36, and neither *Tsukagoshi* nor *Halliwell* cure their deficiencies. The rejection of these claims must fail, so the Office is respectfully requested to remove the § 103 (a) rejection of these claims.

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If any questions arise, the Examiner is invited contact the undersigned at (919) 469-2629 or [scott@scottzimmerman.com](mailto:scott@scottzimmerman.com).

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Scott P. Zimmerman", is written over a light gray circular stamp that contains the number "51825".

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